

**REMARKS****Status of the Claims**

Claims 36-70 are currently pending. Claims 1-35 have been canceled without prejudice or disclaimer of the subject matter claimed therein. New claims 36-70 replace claims 1-35. Support for new claims 36-70 can be found throughout the specification. Representative support for new claims 36-70 is summarized in the table below.

Claim	Representative Support
36	Original claim 1
37	Original claim 2
38	Original claim 3
39	Original claim 4
40	Original claim 5
41	Original claim 6
42	Original claim 7
43	Original claim 8
44	Original claim 9
45	Original claim 10
46	Original claim 11
47	Original claim 12
48	Original claim 13
49	Original claim 14
50	Original claim 15
51	Original claim 16
52	Original claim 17
53	Original claim 18
54	Original claim 19
55	Original claim 20
56	Original claim 21
57	Original claim 22

58	Original claim 23
59	Original claim 24
60	Original claim 25
61	Original claim 26
62	Original claim 27
63	Original claim 28
64	Original claim 29
65	Original claim 30
66	Original claim 31
67	Original claim 32
68	Original claim 33
69	Original claim 34
70	Original claim 35

#### Response to Restriction Requirement

In response to the Restriction Requirement, Applicants elect without traverse the Invention of Group II, claims 1-35, directed to a method of treating a patient. Claims 1-35 have been canceled without prejudice or disclaimer of the subject matter claimed therein and replaced with new claims 36-70. New claims 36-70, drawn to methods of treatment, are directed to the same invention as the invention of Group II. Accordingly, new claims 36-70 are elected for search and examination. In addition, it is Applicants understanding that a species should be elected from claims 16 and 32 and from claims 24, and 36-31. In response, Applicants elect the following species:

1. Cancer (original claims 16 and 32; new claims 51 and 67) as the treatment;
2. Chemotherapeutic agent (original claims 24 and 26-31; new claims 59 and 61-66) as the active agent.

Claims 36-70 read on the elected species.

Applicants point out that when a generic claim is found to be allowable, the restriction requirement as to the encompassed species must be withdrawn and the corresponding claims directed to the encompassed species should no longer be withdrawn from consideration.

MPEP 809.02(c).

It is Applicants' understanding that the Examiner intends to begin by searching the elected species and will continue searching until art is found or until a generic claim is found allowable. Applicants also point out that when a generic claim is found to be allowable, the withdrawn claims which depend from or include the limitations of the allowed claim must be rejoined and fully examined for patentability. MPEP 809.

#### Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

/Sally Teng/

Date: December 23, 2009  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-5734

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Sally P. Teng  
Registration No. 45,397